

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KR CITRUS, INC.,

Plaintiff,

v.

DANDREA PRODUCE, INC.,

Defendant.

Case No. 1:21-cv-00811-NONE-SAB

ORDER GRANTING STIPULATED
REQUEST TO FILE AMENDED
COMPLAINT AND REQUIRING
PLAINTIFF TO FILE FIRST AMENDED
COMPLAINT WITHIN THREE DAYS

ORDER CONTINUING SCHEDULING
CONFERENCE

(ECF Nos. 4, 8)

THREE DAY DEADLINE

A scheduling conference is currently set in this matter for August 26, 2021. (ECF No. 4.) On August 19, 2021, Defendant Dandrea Produce, Inc., filed an answer to the complaint. (ECF No. 6.) On August 19, 2021, the parties filed a joint scheduling report. (ECF No. 7.) The joint scheduling report indicated that Plaintiff would be filing an amended complaint to name Dandrea Produce, LLC, in the place of the current Defendant Dandrea Produce, Inc., and such amended complaint would be filed prior to the scheduling conference. (ECF No. 7 at 3.) The parties proffer that the same counsel represents both entities. (Id.) On August 24, 2021, the parties filed a stipulation to allow Plaintiff to file the first amended complaint. (ECF No. 8.) The stipulation also provides that Dandrea Produce, LLC, will be allowed thirty (30) days to respond to the first amended complaint after it is filed.

The Court finds good cause to grant the stipulated request. While the current parties

provided deadlines in the joint scheduling report, the report also proffers that when Dandrea Produce, LLC, is served, counsel “is inclined to file a motion to dismiss for lack of personal jurisdiction,” and additionally, that “it is unknown whether Dandrea will challenge venue when the proper defendant is named.” (ECF No. 7 at 5.) The Court finds it prudent to continue the scheduling conference to allow for a responsive pleading to be filed, as well as any motions challenging jurisdiction or venue.

Pursuant to the stipulation of the parties and good cause presented, IT IS HEREBY ORDERED that:

1. Plaintiff is granted leave to file a first amended complaint;
2. Plaintiff shall file a first amended complaint within **three (3) days** of entry of this order;
3. A responsive pleading shall be filed within **thirty (30) days** of the filing of the first amended complaint;
4. The scheduling conference set for August 26, 2021, is CONTINUED to **October 28, 2021, at 11:00 a.m.** in Courtroom 9; and
5. The parties shall file a joint scheduling report **seven (7) days** prior to the scheduling conference.

IT IS SO ORDERED.

Dated: **August 24, 2021**


UNITED STATES MAGISTRATE JUDGE